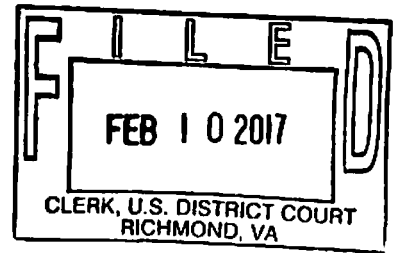


**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**



TORIAN GAITHER,

Petitioner,

v.

Civil Action No. **3:16CV64**

DAVID ZOOK,

Respondent.

ORDER

In accordance with the accompanying Memorandum Opinion, it is hereby ORDERED
that:

1. Gaither's objection (ECF No. 19) is **OVERRULED**;
2. The Amended Report and Recommendation (ECF No. 21) is **ACCEPTED** and **ADOPTED**;
3. The Motion to Dismiss (ECF No. 14) is **GRANTED**;
4. Gaither's claim and the action are **DISMISSED**; and,
5. A certificate of appealability is **DENIED**.

Should Gaither desire to appeal, a written notice of appeal must be filed with the Clerk of the Court within thirty (30) days of the date of entry hereof. Failure to file a notice of appeal within that period may result in the loss of the right to appeal.

The Clerk is **DIRECTED** to send the Memorandum Opinion and Order to Gaither and counsel of record.

And it is so ORDERED.

Date: **February 10, 2017**
Richmond, Virginia

M. Hannah Lauck
United States District Judge